

Appl. No. 10/631,158
Atty. Docket No. CM2500MC
Amdt. Dated of 05/12/2006
Reply to Office Action 02/28/2006
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1, 3 and 5-17 are currently under consideration. Claim 1 is amended herein to include the limitations of Claim 4. Claim 1 is also amended to change "an continuously" to "a continuously" to comply with the Objection in the Office Action. Claim 1 is also amended to remove all occurrences of "preferably" and "optionally." Claims 2 and 4 are canceled without prejudice. Claim 3 is amended to remove all occurrences of "preferably", "preferably also" and "optionally." Claim 3 has also been amended to change "wed" to "web". Claim 6 has been amended to remove the phrase "preferably at least by application of vacuum on the moulds." Claim 9 has been amended to make it an independent claim by incorporating all the limitations of Claim 1. Claim 9 is also amended to remove all occurrences of "preferably." Claim 10 has been amended to remove the preferable elements of the claim, namely "preferably water soluble," and "preferably water reactive pouches." These removed preferable elements have been made into new Claims 13 to 14 respectively. Support for new Claims 13 to 14 is found in, at a minimum, Claim 10 and Page 9, lines 20 to 28. Claim 11 has been amended to remove the preferable element of the claim, namely "preferably a laundry detergent or dishwashing detergent." This removed preferable element has been made into new Claim 12. Support for new Claim 12 is found in, at a minimum, Claim 11 and Page 15, Lines 6 to 9. New Claims 15-17 have been added. Support for new Claims 15 to 17 is found in, at a minimum, Claims 3, 11 and 12, Page 5, lines 8 to 13 and Page 15, lines 6 to 9. No new matter is believed to be added.

CLAIM OBJECTIONS

Claim 1 is objected to as being informal because of "an continuously" (Claim 1, lines 3-4) and requests that this be changed to "a continuously." Applicants have amended Claim 1 to replace "an continuously" with "a continuously", consequently withdrawal of this objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

a) US 3,766,702 (Meissner) in view of US 4,973,416 (Kennedy)

Claims 1-3, 5-8 and 10-11 stand rejected under 35 U.S.C. § 103 (a) over US 3,766,702 (hereafter Meissner) in view of US 4,973,416 (hereafter Kennedy) for reasons

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of record at Pages 2 to 3 of the Office Action. Applicants have canceled Claim 2, consequently the rejection with respect to Claim 2 has been rendered moot.

Applicants respectfully traverse this rejection to the extent it may apply to the claims as now amended.

Applicants respectfully submit that the Office Action has failed to state a *prima facie* case for the obviousness rejection. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. See *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992); MPEP § 2143.01. Second, there must be a reasonable expectation of success. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); MPEP § 2143.02. Third, the prior art reference or combined references must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. Furthermore, in establishing a *prima facie* case of obviousness, case law clearly places the "burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103." *In re Warner*, 379 F.2d 1011, 1016 (CCPA 1967).

Claim 1, and consequently dependent Claims 3, 5-8 and 10-11 have been amended to include the limitations of canceled Claim 4, namely that "steps a), b), c), d) and e) are done on said horizontal portion of the endless surface, which moves at a constant speed." There is simply no disclosure, suggestion or teaching of this claim element in Meissner. Meissner is directed to an apparatus and methods for packaging individual packaging portions where the feeding and forming of the film are done on a different endless surface to the one where the pouches are filled and sealed. See Figures 1, 5 and 7 of Meissner.

Meissner fails to teach an apparatus or a process performed on a horizontal portion of the endless surface, which moves at a constant speed. Kennedy does not correct the outages of Meissner as Kennedy does not teach apparatus and methods for packaging individual packaging portions where the feeding and forming of the film are done on a different endless surface to the one where the pouches are filled and sealed. Kennedy teaches liquid laundry detergents in water-soluble packages. The Office Action does not point to part of Kennedy where an apparatus or a process performed on a

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horizontal portion of the endless surface, which moves at a constant speed is disclosed, mentioned, suggested or taught. Kennedy fails to teach, suggest or disclose all the claim elements of amended Claim 1, and consequently dependent Claims 2-3, 5-8 and 10-11. Applicants find no motivation to combine Meissner and Kennedy, but even if they were to be combined they still do not teach all the claim limitations.

Since Meissner and Kennedy either individually or combined fail to teach, suggest or disclose all the elements of Claims 2-3, 5-8 and 10-11, these claims are not obvious over Meissner in view of Kennedy and therefore it is respectfully requested that this rejection be withdrawn.

CONCLUSION

Applicants have made an earnest effort to place their application in proper form and to distinguish their invention from the applied prior art.

WHEREFORE, Applicants respectfully request entry of the amendments presented, withdrawal of the objection and the rejection under U.S.C. §103, reconsideration of application, and allowance of Claims 1, 3 and 5-17.

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. No fee is believed to be due for the amendments herein. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully Submitted,

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